UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

DEC 06 2012

Russell Bradley
Farallon Program Manager
Marine Ecology Division
PRBO Conservation Science
3820 Cypress Drive #11
Petaluma, California 94954

Dear Mr. Bradley:

Enclosed is an Incidental Harassment Authorization (IHA) issued to PRBO Conservation Science, under the authority of Section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*), to take, by Level B harassment only, small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), and Steller sea lions (*Eumetopias jubatus*) incidental to conducting seabird and pinniped research operations on the South Farallon Islands, Año Nuevo Island, and Point Reyes National Seashore, in central California. The IHA is valid from December 6, 2012 through December 5, 2013.

You are required to comply with the conditions contained in the IHA. In addition, you must cooperate with any federal, state or local agency authorized to monitor the impacts of your activities, and submit a draft report to the National Marine Fisheries Service's (NMFS) Office of Protected Resources and the Southwest Regional Office within 90 days after the expiration of the IHA. If you have any questions concerning the IHA or its requirements, please contact Jeannine Cody, Office of Protected Resources, NMFS, at (301) 427-8401 or Monica DeAngelis, Southwest Regional Office, at (562) 980-3232.

Sincerely,

Helen M. Golde,
Acting Director
Office of Protected Resources

Enclosures

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INCIDENTAL HARASSMENT AUTHORIZATION

PRBO Conservation Science (PRBO), 3820 Cypress Drive #11, Petaluma, California 94954 and/or its designees (holder of the Authorization) are hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) to harass small numbers of marine mammals incidental to conducting seabird and pinniped research activities on the South Farallon Islands, Año Nuevo Island, and Point Reyes National Seashore, in central California:

1. This Authorization is valid from December 6, 2012 through December 5, 2013.

2. This Authorization is valid only for activities associated with seabird research and pinniped research conducted under Scientific Research Permit (SRP) 17152-00 issued by the National Marine Fisheries Service (NMFS) to PRBO that would occur in the following specified geographic area:

   In the vicinity of pinniped haul out sites located on Southeast Farallon Island (37°41'54.32" N, 123° 0'8.33" W), Año Nuevo Island (37° 6'29.25" N, 122°20'12.20" W), or within Point Reyes National Seashore (37°59'38.61" N, 122°58'24.90" W).

3. Species Authorized and Level of Takes

   (a) The taking, by incidental Level B harassment only, is limited to the following species: 5,390 California sea lions (*Zalophus californianus*), 526 Pacific harbor seals (*Phoca vitulina*), 190 northern elephant seals (*Mirounga angustirostris*), and 20 Steller sea lions (*Eumetopias jubatus*).

   (b) The taking by injury (Level A harassment), serious injury or death of any of the species listed in Condition 3(a) or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

   (c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Southwest Regional Administrator, National Marine Fisheries Service (NMFS), at (562) 980-4001 and to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427-8401.

4. General Conditions

   (a) A copy of this Authorization must be in the possession of PRBO, its designees, and field crew personnel (including research collaborators from Point Reyes National Seashore and Oikonos - Ecosystem Knowledge) operating under the authority of this IHA.

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(b) The holder must notify the Assistant Regional Administrator for Protected Resources, Southwest Region at (562) 982-4000 at least 24 hours prior to starting pinniped and seabird research activities (unless constrained by the date of issuance of this Authorization).

5. Mitigation Measures

In order to ensure the least practicable impact on the species listed in condition 3(a), the holder of this Authorization is required to:

(a) Abide by all of the Terms and Conditions listed in the Incidental Take Statement for NMFS' 2008 Biological Opinion titled, "Biological opinion on seabird and pinniped research on Southeast Farallon and Año Nuevo Island, and Point Reyes National Seashore to PRBO."

(b) Abide by the Terms and Conditions of Scientific Research Permit 17152-00.

(c) Minimize the potential for disturbance (to the lowest level practicable near known pinniped haul outs by boat travel and pedestrian approach during pinniped and seabird research operations). PRBO and its designees are expected to conduct the activities during the planned dates stated in the application.

i. To the extent possible, be careful in the route of approach during beach landings. Beach landings on Año Nuevo Island would only occur after any pinnipeds that might be present on the landing beach have entered the water.

ii. Select a pathway of approach to research sites that minimizes the number of marine mammals harassed, with the first priority being avoiding the disturbance of Steller sea lions at haul-outs.

iii. Monitor for offshore predators and not approach hauled out Stellar sea lions great white sharks (*Carcharodon carcharias*) or killer whales (*Orcinas orca*) are seen in the area. If predators are seen, eastern DPS Steller sea lions must not be disturbed until the area is free of predators.

iv. Keep voices hushed and bodies low in the visual presence of pinnipeds.

v. Conduct seabird observations at North Landing on Southeast Farallon Island within an observation blind to remain shielded from the view of hauled-out pinnipeds.

vi. Crawl slowly towards seabird nesting boxes on Año Nuevo Island if pinnipeds are within the researchers' field of vision.

vii. Coordinate visits to intertidal areas of Southeast Farallon Island (to reduce potential take).

viii. Coordinate all research goals for Año Nuevo Island to minimize the number of trips to the island. Once on Año Nuevo Island, researchers would coordinate monitoring schedules so that areas near any pinnipeds would be accessed only once per visit.

ix. Require that the lead biologist serve as an observer to evaluate incidental take and halt any research activities should the potential for incidental take be too great.

6. Monitoring

The holder of this Authorization is required to:

(a) Record the date, time, and location (or closest point of ingress) of each visit to the research site. See Table 2 for an example of a data collection sheet.

(b) Collect the following information for each visit:

i. composition of the marine mammals sighted, such as species, gender and life history stage (e.g., adult, sub-adult, pup);

ii. information on the numbers (by species) of marine mammals observed during the activities;

iii. the estimated number of marine mammals (by species) that may have been harassed during the activities;

iv. any behavioral responses or modifications of behaviors that may be attributed to the specific activities and a description of the specific activities occurring during that time (e.g., pedestrian approach, vessel approach); and

v. information on the weather, including the tidal state and horizontal visibility.

(c) Observers will record marine mammal behavior patterns observed before, during, and after the activities; in the following manner:

i. flushing into the water;

ii. stampeding into water;

iii. moving more than 1 meter (m), but not in the water;

iv. becoming alert and moving, but did not move more than 1 m; or

v. changing the direction of current movement.

(d) If applicable, note observations of marked or tag-bearing pinnipeds or carcasses, as well as any rare or unusual species of marine mammal.

(e) If applicable, note the presence of any offshore predators (date, time, number, species).

7. Reporting

The holder of this Authorization is required to:

(a) Report observations of unusual behaviors of pinnipeds on South Farallon Islands, Año Nuevo Island, or Point Reyes National Seashore to Monica DeAngelis, Fishery Biologist, Southwest Region at (562) 982-3232 so that any potential follow-up observations can be conducted by the appropriate personnel.

(b) Draft Report: Submit a draft final report to the ARA for Protected Resources, Southwest Region and to the Chief, Permits and Conservation Division, Office of Protected

Resources, Headquarters, NMFS within 90 days after the expiration of the IHA. The report will include the information gathered pursuant to the monitoring requirements listed in item 6, along with an executive summary.

(c) The Draft Report shall be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the Final Report prior to acceptance by NMFS. If NMFS decides that the draft final report needs no comments, the draft final report will be considered to be the final report.

(d) Final Report: Submit a final report to the ARA for Protected Resources, Southwest Region and to the Chief, Permits and Conservation Division, Office of Protected Resources, Headquarters, NMFS within 30 days after receiving comments from NMFS on the draft final report.

8. Reporting Prohibited Take

In the unanticipated event that PRBO's activities cause any taking of a marine mammal in a manner prohibited by the IHA, such as an injury (Level A harassment), serious injury or mortality (e.g., vessel-strike), PRBO shall immediately cease the specified activities and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Michael.Payne@noaa.gov and Jeannine.Cody@noaa.gov, and the Southwest Regional Stranding Coordinators (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov). The report must include the following information:

Time, date, and location (latitude/longitude) of the incident; the name and type of vessel involved; the vessel's speed during and leading up to the incident; description of the incident; water depth; environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility); description of marine mammal observations in the 24 hours preceding the incident; species identification or description of the animal(s) involved; the fate of the animal(s); and photographs or video footage of the animal (if equipment is available).

PRBO shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with PRBO to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. PRBO may not resume their activities until notified by NMFS in writing via a letter or email or via the telephone.

9. Reporting an Injured or Dead Marine Mammal with an Unknown Cause of Death

In the event that PRBO discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), PRBO will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Michael.Payne@noaa.gov and Jeannine.Cody@noaa.gov, and the Southwest Regional Stranding Coordinators (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov). The report must include the same information identified in the paragraph above this section. Activities

may continue while NMFS reviews the circumstances of the incident. NMFS will work with PRBO to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal not Related to PRBO Activities
In the event that PRBO discovers an injured or dead marine mammal, and the lead researcher determines that the injury or death is not associated with or related to the activities authorized in the IHA (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), PRBO will report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Michael.Payne@noaa.gov and Jeannine.Cody@noaa.gov, and the Southwest Regional Stranding Coordinators (Joe.Cordaro@noaa.gov and Sarah.Wilkin@noaa.gov) within 24 hours of the discovery. PRBO will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network.

11. A copy of this Authorization must be in the possession of PRBO and its designees (including contractors and marine mammal monitors) operating under the authority of this Incidental Harassment Authorization at all times.

DEC 06 2012

Helen M. Golde
Acting Director, Office of Protected Resources
National Marine Fisheries Service

Date

Attachments

Table 1. Authorized Take Numbers for PRBO Seabird and Pinniped Research

Species	Authorized Take Numbers
Steller sea lion (*Eumetopias jubatus*) Eastern U.S. stock	20
California sea lion (*Zalophus californianus*)	5,390
Pacific harbor seal (*Phoca vitulina*)	526
northern elephant seal (*Mirounga angustirostris*)	190

Table 2. California Sea Lion (CSL) counts and responses during activities associated with seabird and pinniped research activities (Example Table).

Date	Location	Activity	Time	Response	# CSL non-pups	# CSL pups
4/15/2010	SEFI	walking to site	before	alert	100	0
			during	flush	40	0
			after	alert	60	0